

EXHIBIT 105

PUBLIC

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)
et al.,)
Plaintiffs,) Case No.
vs.) 1:23-cv-
GOOGLE LLC,) 000108-LMB-
Defendant.)

Wednesday, September 6, 2023
9:59 a.m.

Remote Zoom Videotaped Deposition of
KRISTY KOZLOWSKI, held before Stacey L.
Daywalt, a Court Reporter and Notary Public of
the District of Columbia.

Job No. CS6078882

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1 A P P E A R A N C E S: 2 (All appearances via remote Zoom) 3 4 Attorneys for United States: 5 DEPARTMENT OF JUSTICE ANTITRUST DIVISION 6 BY: DAVID GEIGER, ESQ. 7 MATTHEW GOLD, ESQ. 8 ELIZABETH ARAMAYO, ESQ. 9 JEFF QUI, ESQ. 10 5th Street NW, Suite 7100 11 Washington, DC 20530 12 david.geiger@usdoj.gov 13 matthew.gold@usdoj.gov 14 elizabeth.aramayo@usdoj.gov 15 yinjiaqi@usdoj.gov 16 17 Attorneys for Comcast and The Witness: 18 DAVIS POLK & WARDWELL LLP 19 BY: CHRISTOPHER LYNCH, ESQ. 20 MICHAEL KUCHARSKI, ESQ. 21 450 Lexington Avenue 22 New York, New York 10017 23 (212) 450-4034 24 christopher.lynch@davispolk.com 25 michael.kucharski@davispolk.com	1 -----INDEX----- 2 WITNESS EXAMINATION BY PAGE 3 4 KRISTY KOZLOWSKI BY MS. DEARBORN 7 BY MR. GEIGER 156 5 BY MS. DEARBORN 235 6 -----EXHIBITS----- 7 8 EXHIBITS PAGE LINE 9 Exhibit 1 10 Comcast's Responses and Objections to Google's Rule 30(b)(6) Deposition Notice 13 19 11 Exhibit 2 12 E-mail dated 5/16/18 COM-00062160-61 30 3 13 Exhibit 3 14 Competition in Television and Digital Advertising, May 2-3, 2019 51 8 15 Exhibit 4 16 Q2 2023 HQ Product Diff Tactical Review dated 2/2/23 17 COM-00000104-232 69 2 18 Exhibit 5 CB NED Q1 2023 Performance QBR, May 2023 19 COM-00000415-435 101 9 20 Exhibit 6 21 E-mail dated 9/20/18 COM-00035829 111 20 22 Exhibit 7 23 Comcast 2017 JBP Update COM-00035830-858 112 1 24 25
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1 A P P E A R A N C E S (CONTINUED): 2 3 Attorneys for Defendant Google LLC: 4 PAUL WEISS RIFKIND WHARTON & GARRISON 5 BY: MEREDITH R. DEARBORN, ESQ. 6 CARTER GREENBAUM, ESQ. 7 535 Mission Street, 24th Floor 8 San Francisco, California 94105 9 (650) 208-22788 10 mdearborn@paulweiss.com 11 cgreenbaum@paulweiss.com 12 13 14 15 ALSO PRESENT: 16 17 18 19 20 21 CHARLES SHIOLENO, ESQ., Comcast 22 JULIA PUDLIN, ESQ., Comcast 23 CHRIS MCWILLIAMS, Videographer 24 25	1 EXHIBITS (CONTINUED) PAGE 2 Exhibit 8 3 CTV Programmatic Head-to-Head Test, Google vs. The Trade Desk, January 2023 4 COM-000001141-1153 116 25 5 Exhibit 9 6 Comcast About Google Marketing Platform, February 26, 2020 COM-00059612-669 126 18 7 Exhibit 10 8 cookie-less Future Preparation, Comcast Divisional Overview, June 22, 2021 9 COM-00000236-269 144 4 10 Exhibit 11 11 E-mail chain dated 9/17/19 COM-00136496-499 149 6 12 Exhibit 12 13 Exhibit 11 remarked COM-00136496-499 152 25 14 Exhibit 13 15 E-mail with attachment dated 3/15/20 16 COM-00297094-104 202 6 17 Exhibit 14 18 2019 Joint Business Plan, May 10, 2019 COM-00059523-537 215 7 19 20 21 22 23 24 25

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1 THE VIDEOGRAPHER: Good morning. We 2 are going on the record at 9:59 a.m. on 3 September 6th, 2023. 4 Please note that this deposition is 5 being conducted virtually. Quality of 6 recording depends on quality of camera and 7 Internet connection of participants. What is 8 seen from the witness and heard on screen is 9 what will be recorded.	1 My first question is: Have you ever 2 been deposed before? 3 A. I have, many years ago. 4 Q. How long ago? 5 A. When I was 15. 6 Q. Okay. 7 A. It was a long time ago. 8 Q. I'm sure -- 9 (Simultaneous crosstalk.) 10 Q. I'm sorry. I interrupted you. 11 A. No, I was going to say on personal 12 injury, not related professionally. 13 Q. Great. 14 Well, I'm sure your counsel has gone 15 over the rules of the road, but I'll just 16 briefly identify a few things that will make 17 our proceedings today go a bit smoother. 18 The first is you have to give verbal 19 answers, no nods or uh-huh or uh-uh. 20 Do you understand that? 21 A. I do. 22 Q. Perfect. 23 The second is, in order to help the 24 videographer get a clean transcript, you'll 25 need to let me finish my question before you
1 If there are any objections to 2 proceeding, please state them at the time of 3 your appearance. 4 Counsel will now state their 5 appearances and affiliations for the record, 6 beginning with the noticing attorney. 7 (Counsel identify themselves on the 8 record.) 9 THE VIDEOGRAPHER: Will the court 10 reporter please swear in the witness, and then 11 counsel may proceed.	Page 7
13 KRISTY KOZLOWSKI, 14 called as a witness, having been duly sworn by 15 a Notary Public, was examined and testified as 16 follows: 18 EXAMINATION BY 19 MS. DEARBORN: 20 Q. Good morning, Ms. Kozlowski. 21 A. Morning. 22 Q. Am I pronouncing your name 23 correctly? 24 A. Yes, you are. 25 Q. Fantastic.	1 start your answer. 2 Is that all right? 3 A. Yes. 4 Q. We will take a few breaks today. 5 The -- you're welcome to ask for a 6 break at any time. This is not a marathon -- 7 or I guess this is not a sprint, it's a 8 marathon. 9 But my only question is that you 10 would refrain from taking a break while a 11 question is pending. 12 Is that all right? 13 A. Yes, that is. 14 Q. Okay. I will endeavor to ask clear 15 questions today. 16 But if at any time my question is 17 confusing, please just ask me to rephrase and 18 I'll do my best. 19 If I don't -- if you don't ask me to 20 rephrase, I'll just understand -- or I'll 21 assume that you have understood the question. 22 Is that okay? 23 A. Yes. 24 Q. Is there any reason you can't give 25 complete and honest testimony today?

<p style="text-align: right;">Page 138</p> <p>1 1:38 p.m.)</p> <p>2 THE VIDEOGRAPHER: We are back on</p> <p>3 the video record at 1:38.</p> <p>4 This begins Media Unit four.</p> <p>5 MR. LYNCH: Just a note for the</p> <p>6 record that Julia Pudlin from Comcast's legal</p> <p>7 department has joined us in the room here.</p> <p>8 MS. DEARBORN: Great.</p> <p>9 BY MS. DEARBORN:</p> <p>10 Q. Welcome back from lunch,</p> <p>11 Ms. Kozlowski.</p> <p>12 A. Thank you.</p> <p>13 Q. Great.</p> <p>14 So we've talked about various</p> <p>15 metrics on which Comcast evaluates the</p> <p>16 performance of the channels that it uses to</p> <p>17 purchase advertories and inventory, such as</p> <p>18 cost per click, cost per media, cost per lead,</p> <p>19 et cetera.</p> <p>20 Is there a term that you would use</p> <p>21 to describe those metrics?</p> <p>22 A. I would probably use KPI, key</p> <p>23 performance indicators.</p> <p>24 Q. Okay. So do you also -- does</p> <p>25 Comcast also evaluate social media spend along</p>	<p style="text-align: right;">Page 140</p> <p>1 would consider shifting its spending between</p> <p>2 the various digital channels if display was</p> <p>3 underperforming along key KPIs.</p> <p>4 A. Yes.</p> <p>5 If one of our key KPIs is CPA and</p> <p>6 display is becoming more expensive to deliver a</p> <p>7 CPA goal and other digital tactics like video</p> <p>8 or digital channels like social or online audio</p> <p>9 are showing a more efficient CPA, then there</p> <p>10 could potentially be an optimization of</p> <p>11 investment that would move our money out of</p> <p>12 display into other digital areas.</p> <p>13 Q. I was just going to ask what you</p> <p>14 meant by "an optimization of investment."</p> <p>15 Do you mean shifting spending or</p> <p>16 something else?</p> <p>17 A. Yeah, shifting spending.</p> <p>18 Q. Okay. And when we talk about</p> <p>19 social, I believe we spoke about this before,</p> <p>20 but that includes platforms like TikTok.</p> <p>21 Right?</p> <p>22 A. Yes.</p> <p>23 Q. And Facebook?</p> <p>24 A. Yes.</p> <p>25 Q. And Instagram?</p>
<p style="text-align: right;">Page 139</p> <p>1 those same metrics, those same KPI metrics?</p> <p>2 MR. GEIGER: Object to form.</p> <p>3 THE WITNESS: Yes, some of them,</p> <p>4 where relevant.</p> <p>5 Q. Can you explain.</p> <p>6 A. We -- cost per acquisition, CPA, as</p> <p>7 I keep mentioning, is one of our primary</p> <p>8 object- -- KPIs, just given our business.</p> <p>9 Not all partners in the social space</p> <p>10 can measure against CPA. They have been making</p> <p>11 some strides in some cases, but not every KPI</p> <p>12 is necessarily measurable in the same</p> <p>13 platforms.</p> <p>14 Q. Okay. Now, to what extent, if at</p> <p>15 all, would Comcast consider shifting its</p> <p>16 spending from display to social if display was</p> <p>17 underperforming along key KPIs?</p> <p>18 A. That would be likely --</p> <p>19 MR. GEIGER: Form, vague.</p> <p>20 THE WITNESS: It would be a likely</p> <p>21 optimization across probably digital in</p> <p>22 general, and I think we would open it up to</p> <p>23 beyond just social.</p> <p>24 BY MS. DEARBORN:</p> <p>25 Q. Can you please explain how Comcast</p>	<p style="text-align: right;">Page 141</p> <p>1 A. Yes.</p> <p>2 Q. And are those platforms what are</p> <p>3 known as walled gardens?</p> <p>4 A. Yes.</p> <p>5 Q. And can Comcast purchase advertising</p> <p>6 inventory across any of those platforms using</p> <p>7 Google's tools?</p> <p>8 A. No.</p> <p>9 Q. Does the social category include any</p> <p>10 other platforms -- sorry. You mentioned Reddit</p> <p>11 also and some others.</p> <p>12 Can you just list again for the</p> <p>13 record what social platforms Comcast considers.</p> <p>14 A. Yeah.</p> <p>15 Our primary partners that we work</p> <p>16 with from an investment standpoint would be</p> <p>17 Meta, Twitter, Snapchat, TikTok.</p> <p>18 But we also do spend with partners</p> <p>19 like Nextdoor and Reddit and Pinterest, but</p> <p>20 they do have a lower level of spend compared to</p> <p>21 the others.</p> <p>22 Q. Are all of those platforms walled</p> <p>23 gardens?</p> <p>24 A. I'm not entirely sure.</p> <p>25 Q. Can Comcast purchase advertising</p>

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<p style="text-align: right;">Page 142</p> <p>1 inventory on any of those platforms through 2 DV360?</p> <p>3 A. No, not to my knowledge.</p> <p>4 Q. Now, to what extent, if at all, 5 would Comcast consider shifting its spending 6 from display to connected TV if display was 7 underperforming along Comcast's key KPIs?</p> <p>8 A. If the key KPI is underperforming 9 and connected TV can deliver a better 10 performance against that same KPI, then yes, it 11 would be considered an optimization.</p> <p>12 Q. And to what extent, if at all, would 13 Comcast consider shifting its spending from 14 display to online video if display was 15 underperforming on Comcast's key KPIs?</p> <p>16 A. The same as connected TV.</p> <p>17 We would look at other areas in 18 which we can measure the same KPI to see if an 19 optimization would be needed.</p> <p>20 Q. To what extent, if at all, would 21 Comcast consider shifting its spending from 22 display to broadcast television if display was 23 underperforming along Comcast's key KPIs?</p> <p>24 A. It would be considered but nuanced, 25 as we can't measure the same KPI in television</p>	<p style="text-align: right;">Page 144</p> <p>1 MR. GREENBAUM: Sure. 2 We're on Comcast 10, and it is now 3 in exhibit share. 4 (Exhibit 10, Cookieless Future 5 Preparation, Comcast Divisional Overview, June 6 22, 2021, COM-00000236-269, marked for 7 identification.)</p> <p>8 BY MS. DEARBORN:</p> <p>9 Q. Excellent. 10 So for the record, I've marked as 11 Comcast Exhibit 10 a document bearing Bates 12 No. COM-00000236. 13 Let me know when you have this, 14 Ms. Kozlowski. 15 A. I have it. 16 Q. Do you recognize this document? 17 A. I do. 18 Q. What is it? 19 A. This is a document in which we were 20 giving an update to our divisional media 21 partners around the changes in the privacy and 22 regulatory space as cookies go away. 23 Q. And who prepared this presentation? 24 A. This would have been prepared by 25 folks on my team that oversees measurement and</p>
<p style="text-align: right;">Page 143</p> <p>1 in the same fashion.</p> <p>2 Q. If display was underperforming on 3 Comcast's key KPIs, what other platforms would 4 Comcast consider shifting its spending to?</p> <p>5 A. Can you define "platform" in this 6 instance.</p> <p>7 Q. Maybe I should rephrase and say 8 channel.</p> <p>9 Would that be better?</p> <p>10 So if display was underperforming on 11 Comcast's key KPIs, what other channels would 12 Comcast consider spending -- shifting its 13 spending to?</p> <p>14 A. We would assess all channels.</p> <p>15 Q. Are there any channels that Comcast 16 would exclude if display was underperforming 17 along key KPIs?</p> <p>18 A. I don't think we would exclude.</p> <p>19 But we would rely on historical 20 performance and media contribution to at least 21 narrow the list.</p> <p>22 Q. Great. Thank you.</p> <p>23 MS. DEARBORN: So Mr. Greenbaum, can 24 you please put Tab 3 in the chat and remind me 25 what exhibit number we're on.</p>	<p style="text-align: right;">Page 145</p> <p>1 analytics in partnership with the measurement 2 and analytics team at Spark, our agency of 3 record.</p> <p>4 Q. And would the individuals who 5 prepared this document have prepared it in the 6 ordinary course of Comcast's business?</p> <p>7 A. Yes, related to our work to prepare 8 for the cookie-less future.</p> <p>9 Q. And it was prepared on or about 10 June 22nd, 2021?</p> <p>11 A. Yes, that's correct.</p> <p>12 Q. And can you describe what a 13 cookie-less future is.</p> <p>14 You touched on this a little bit 15 earlier, but please give me your understanding.</p> <p>16 A. Yes.</p> <p>17 It's essentially cookies are the 18 signals in which we are able to sort of target 19 today, leveraging cookies to target in 20 programmatic media, as well as track and 21 measure the performance of our media.</p> <p>22 So cookies are a heavily reliant 23 area in the programmatic space for us to 24 execute and invest our dollars to make them 25 targeting -- targetable and trackable.</p>

	<p>Page 250</p> <p>1 Ms. Kozlowski, I would like to thank you very 2 much for your time today.</p> <p>3 THE WITNESS: Of course.</p> <p>4 MR. GEIGER: Thank you,</p> <p>5 Ms. Kozlowski.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 THE VIDEOGRAPHER: We are going off 8 the record at 4:12.</p> <p>9 This concludes today's testimony of 10 Kristy Kozlowski.</p> <p>11 Total number of media used was five 12 and will be retained by Veritext Legal 13 Solutions.</p> <p>14 (Deposition adjourned at 4:13 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
	<p>Page 251</p> <p>1 District of Columbia, to wit: 2 I, Stacey L. Daywalt, a Notary 3 Public of the District of Columbia, do hereby 4 certify that the within-named witness remotely 5 appeared before me at the time and place herein 6 set out, and after having been duly sworn by 7 me, according to law, was examined by Counsel. 8 I further certify that the 9 examination was recorded stenographically by me 10 and this transcript is a true record of the 11 proceedings. 12 I further certify that I am not of 13 counsel to any of the parties, nor an employee 14 of counsel, nor related to any of the parties, 15 nor in any way interested in the outcome of 16 this action. 17 As witness my hand and Notarial Seal 18 this 8th day of September, 2023.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Stacey Daywalt Stacey L. Daywalt, Notary Public My Commission Expires: 4/14/2026</p>

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